

The Board's conclusions of law that Registrant committed unprofessional conduct by prescribing controlled substances to his wife, as well as by engaging in habitual substance abuse and using controlled substances which were not prescribed to him by another physician in the course of treatment, support the conclusion that he has committed such acts as to render his registration "inconsistent with the public interest." 21 U.S.C. 824(a)(4). These findings provide an additional and independent basis to revoke Registrant's registration.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a) and 823(f), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BB7566461 issued to Alaaeldin Babiker, M.D., be, and it hereby is, revoked. I further order that any application of Alaaeldin Babiker, M.D., to renew or modify this registration, or for any other registration, be, and it hereby is denied. This Order is effective immediately.<sup>5</sup>

he acted outside of the usual course of professional practice and lacked a legitimate medical purpose in prescribing to B.S. 21 CFR 1306.04(a). These include that he failed to address B.S.'s positive test for marijuana, that he did not perform additional evaluations or use therapeutic interventions other than prescribing controlled substances, that he dramatically increased B.S.'s pain medications and did not document an explanation for doing so, and that he failed to maintain adequate and legible medical records.

The Board did not, however, find that Registrant engaged in "[p]rescribing, dispensing, or administering any controlled substance . . . for other than accepted therapeutic purposes," Ariz. Rev. Stat. § 32-1401(27)(j), a standard similar to that of 21 CFR 1306.04(a). See GX 3, at 6; see also *Kenneth Harold Bull*, 78 FR 62666, 62674 (2013) (holding that physician's violation of a State's "injunctive prescribing" standard did not establish a violation of 21 CFR 1306.4(a) when the State also had a standard prohibiting "prescribing . . . or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes" but did not find a violation). Instead, the Board found that he committed unprofessional conduct by engaging in "[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public." GX 3, at 6 (citing Ariz. Rev. Stat. § 32-1401(27)(q)).

In its Request for Final Agency Action, the Government did not allege that the Board's findings with respect to B.S. supported a finding that Registrant violated 21 CFR 1306.04(a). Nor did it argue that the Board's findings establish reckless or negligent conduct in the handling of controlled substances, which is a basis to revoke a registration under *Paul J. Caragine*, 63 FR 51592, 51601 (1998).

Moreover, the Government offers no argument as to why the Board's standard of "[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public" is a law related to controlled substances under factor four. I therefore do not consider whether this provision falls within factor four. Nor do I consider the Board's findings with respect to B.S.

<sup>5</sup> For the same reasons which led the Board to order Registrant to immediately surrender his state license, I conclude that this Order should be

Dated: July 22, 2016.

**Chuck Rosenberg,**

*Acting Administrator.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On July 27, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Tennessee in the lawsuit entitled *United States and Knox County, Tennessee, Ex Rel, Lynne Liddington, Director Of Air Quality Management For Knox County, Tennessee v. Cemex Inc., et al.*, Civil Action No. 3:16-cv-471.

This case involves claims for alleged violations of the Prevention of Significant Deterioration ("PSD") program of the Clean Air Act ("CAA"), CAA's Title V operating permit requirements, and related Tennessee and Texas state law requirements at Portland cement facilities in Knoxville, Tennessee and Odessa, Texas owned or operated by Cemex, Inc. or related corporate entities (collectively, "Cemex"). The complaint seeks injunctive relief for installation of control technology to reduce emissions of nitrogen oxides (NO<sub>x</sub>), civil penalties, and mitigation of past excess NO<sub>x</sub> emissions. The settlement resolves the liability at these facilities and also resolves similar potential liability at additional Cemex cement plants in New Braunfels, Texas, Louisville, Kentucky and Demopolis, Alabama, and requires Cemex to install pollution control equipment, agree to federally enforceable limits for NO<sub>x</sub> and SO<sub>2</sub> emissions, pay \$1,690,000 in civil penalties, and perform an environmental mitigation project.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Knox County, Tennessee, Ex Rel, Lynne Liddington, Director Of Air Quality Management For Knox County, Tennessee v. Cemex Inc., et al.*, D.J. Ref. No. 90-5-2-1-09716. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

effective immediately. GX 9, at 9; see also 21 CFR 1316.67.

Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$13.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2016-18161 Filed 8-1-16; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting; Record of Vote of Meeting Closure (Pub. L. 94-409) (5 U.S.C. 552b)

I, J. Patricia W. Smoot, of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 11:00 p.m., on Wednesday, July 27, 2016 at the U.S. Parole Commission, 90 K Street NE., Third Floor, Washington, DC 20530. The purpose of the meeting was to discuss six original jurisdiction cases pursuant to 28 CFR 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of the General Counsel that this meeting may be closed by votes of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: J. Patricia W. Smoot, Patricia Cushwa and Charles T. Massarone.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: July 27, 2016.

**J. Patricia W. Smoot,**  
Chairman, U.S. Parole Commission.

[FR Doc. 2016-18450 Filed 7-29-16; 4:15 pm]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Sale of Securities To Reduce Indebtedness of Party in Interest, Prohibited Transaction Class Exemption 1980-83

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) will submit the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, "Sale of Securities to Reduce Indebtedness of Party in Interest, Prohibited Transaction Class Exemption 1980-83," to the Office of Management and Budget (OMB) on July 29, 2016, for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 1, 2016.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201607-1210-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201607-1210-001) (this link will only become active on July 30, 2016) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to

send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Sale of Securities to Reduce Indebtedness of Party in Interest, Prohibited Transaction Class Exemption 1980-83 (PTE 80-83) information collection. This PTE allows an employee benefit plan to purchase securities that may aid the issuer of the securities to reduce or retire indebtedness to a party in interest. Without the relief provided by the class exemption, Employee Retirement Income Security Act of 1974 (ERISA) prohibited transaction provisions would bar a standard type of financial/business transaction between a financial service provider and an employee benefit plan. This exemption also provides relief from Internal Revenue Code section 4975 prohibited transaction provisions.

In order to take advantage of the relief provided by this PTE, an employee benefit plan must comply with all applicable exemption conditions, including keeping records sufficient to establish that exemption conditions have been met for exemption-covered transactions. The records must be maintained for a period of at least six years from a covered transaction and must be made reasonably available for inspection upon request by specified interested persons—including plan fiduciaries, participants and beneficiaries, sponsoring employers, DOL and Internal Revenue Service representatives, and contributing employers. ERISA, section 408(a) authorizes this information collection. See 29 U.S.C. 1108(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a

collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210-0064.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 23, 2015 (80 FR 72990).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210-0064. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-EBSA.

*Title of Collection:* Sale of Securities to Reduce Indebtedness of Party in Interest, Prohibited Transaction Class Exemption 1980-83.

*OMB Control Number:* 1210-0064.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 25.

*Total Estimated Number of Responses:* 25.

*Total Estimated Annual Time Burden:* 15 hours.